

Notice of Allowability

Application No.

10/783,315

Examiner

Marc S. Zimmer

Applicant(s)

PINTER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/11/06 and the interview conducted 10/23/06.
2. ☒ The allowed claim(s) is/are 1,2,4-7,9,11-17,19-24,26-29,31,33-39 and 41-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles Almer on October 23, 2006.

The application has been amended as follows:

Please replace all earlier versions of claim 1 with,

1. A high abrasion and weather resistant water-based coating comprising boron nitride, silicone resin, a resin binder, and at least one crosslinking agent, wherein the resin binder comprises a blend of acrylic resin, polyurethane resin, and fluoropolymer.

Please cancel claim 3.

Please replace the term "weights" in claims 9 and 31 with,

-- weight ranges --.

Please cancel claims 10 and 32.

Please replace the final three lines of claim 23 with,

-- wherein the resin binder comprises a blend of acrylic resin, polyurethane resin, and fluoropolymer. --

Please cancel claim 25.

Please replace claims 41, 43, and 44 with the following:

41. An article coated with the composition of claim 2.

43. A flock replacement coating for glass run comprising the composition of claim 1,

44. An appearance coating for an outer belt comprising the composition of claim 1.

Applicant had been advised that all of claims 1, 9, 23, and 32 suffered from a enablement issue because the Specification had not expressly delineated whether the ranges recited alluded to number-average or weight-average molecular weight nor was there any other disclosures that Applicant could rely upon to correct this matter.

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Applicant agreed to the removal of molecular weight wherever it was mentioned in the claims.

The Examiner also questioned whether or not Applicant had support for a binder that contained polyurethane and fluoropolymer to the exclusion of acrylic resin.

Applicant acknowledged that the Specification did indeed suggest that all of these materials should be present together per the requirements of original claims 3 and 25.

Concerning the amendment of claims 41, 43, and 44, it was necessary to amend these claims because, the method claims to which they had alluded were not method claims but, rather, methods of making a coating composition.

In an updated survey of the prior art, the Examiner encountered Anderson et al., U.S. Patent # 6,610,777. They describe a coating composition that, in its broadest description, includes a silicone resin, crosslinker, and binder. Relevant to the present claims, the binder may be a mixture of acrylic polymer and polyurethane (paragraph bridging columns 16 and 17). Suitable crosslinking agents comprise many of the same classes of compound as are contemplated in claim 7 (paragraph bridging claims 20 and 21). Fillers that impart one or more benefits including abrasion resistance are also added to the composition and boron nitride is among those fillers that may be used (Table A). Finally, it is considered that the fillers may be treated with a surfactant to improve their dispersability and fluoroethylene-alkyl vinyl ether copolymers are listed as one possible surfactant (column 37, lines 11-13). Although the reference teaches all of the materials that make up the instant invention, it would be necessary to "pick-and-

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choose" from numerous alternatives for as many as three of five of Applicant's required ingredients. Accordingly, the Examiner believes that the invention is not fairly suggested/rendered obvious by this document.

No references more germane than that cited herein, and in earlier stages of prosecution, were located. Therefore, claims 1-2, 4-7, 9, 11-17, 19-24, 26-29, 31, and 33-44 are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc S. Zimmer whose telephone number is 571-272-1096. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 25, 2006

A handwritten signature in black ink, appearing to read "Marc S. Zimmer".

MARC S. ZIMMER
PRIMARY EXAMINER